

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID MALONE,

Case No. 3:23-cv-05462-RSM

Plaintiff,

ORDER FOR AWARD OF ATTORNEY
FEES PURSUANT TO 28 U.S.C. § 2412

V.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

This matter comes before the Court on Plaintiff's Motion for Attorney Fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Dkt. #14. Defendant does not object to Plaintiff's request. Dkt. #16.

The Motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on October 23, 2023, to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a); Dkt. #18. Upon review of the Motion and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 Having thoroughly considered the parties' briefings and the relevant record, the Court
2 hereby GRANTS the motion and awards Plaintiff \$2,427.80 in attorney's fees, subject to any
3 offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590
4 (2010). If EAJA fees are not subject to any offset, payment of this award shall be made via EFT
5 or check to Attorney David Oliver at the following address: David Oliver & Associates, 2608
6 South 47th Street, Suite C, Tacoma, WA 98409.
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8 For the foregoing reasons, Plaintiff's Motion for Attorney Fees is GRANTED.

9 DATED this 2nd day of February, 2024.
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12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE
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